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ABSTRACT

The Law School at North Carolina Central University faced the dual problem of improving student performance on the bar examination while maintaining a large percentage of black students. The Law School Admission Test (LSAT) was found to be the single best predictor of student performance on the bar examination. However, if only the students scoring over 400 were considered, the LSAT was no longer a useful predictor. Several alternative admissions were investigated, each involving a pool of students with LSAT scores above a certain level. A set of predictor variables was established, including third and fourth year undergraduate grade point averages, undergraduate English average, LSAT score, and scores combining LSAT and undergraduate grade point average. These variables were correlated with three success criteria: first year law school grade point average, third year law school grade point average, and whether the student passed the bar examination in any state. The LSAT score was found to be the best single predictor of success. Since this selection process would still produce a pool of more applicants than could be admitted, the use of additional predictor variables is discussed. However, the active recruitment of black applicants and the use of a cutoff on LSAT scores are encouraged. (Author/JAC)

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PROCEDURES FOR FACILITATING THE ADMISSION OF BLACKS TO LAW SCHOOL[1]

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During the 1976-1977 academic year, the Law School at North Carolina Central University (NCCU) planned a major revision in its admission policy. This revision was prompted by the low percentage of NCCU graduates passing the North Carolina bar examination (approximately 40% passed in 1976). One procedure that could have been employed to assist with selecting entering students was the calculation of a predicted grade point average or a prediction of success on the bar exam from a traditional regression equation using undergraduate grades and the Law School Admission Test (LSAT) scores as the predictor variables and the probability of passing the bar (or the first year law school grade point average, or both) as the criterion variable.[2] However, NCCU is traditionally a black institution and the major source of black lawyers in the state of North Carolina, and the law school wished to maintain a relatively high percentage of black students (at least 60%, preferably higher). Yet, the upsurge of interest in law schools over the past few years and the limited number of places at the only other state-supported law school in North Carolina, greatly increased the number of white applicants with high LSAT scores to the NCCU Law School. Thus an admission policy based strictly on a predicted average from a regression equation would have led to a 1977 entering class composed of approximately 85% white students.

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[1] Paper presented at the annual meeting of the National Council on Measurement in Education held March 27-31 1978, in Toronto, Canada.

[2] It should be noted that studies to improve the curriculum and teaching are continually being conducted.

Available admission data were examined to determine if some solution could be found that would increase the number of graduates passing the bar examination and at the same time admit a substantial number of black students.

Several variables were evaluated to determine which would be useful in predicting success in Law School and in passing the bar examination. The variables used were the third-year undergraduate grade point average (AV3RD), the fourth-year undergraduate grade point average (AV4TH), the total undergraduate grade point average (UGPA), the undergraduate English average (ENAV), the LSAT score, the college attended as an undergraduate, the undergraduate major, and the Prognostic Index (PROGIND, a score combining the LSAT and the undergraduate grade point average and previously used by the Law School in its admission procedure). The three success criteria were the first year law school grade point average, the third year law school grade point average and whether or not the student passed a bar examination in any state. The latter was considered the most important of the three success criteria.

Initial admission data and first year law school grade point averages were available for the entering classes of 1972 through 1975. The third year law school grade point average and whether or not the student passed the bar examination were available only for the 1972 and 1973 entering classes.

The first step in the evaluation of the admission procedure was computation of the correlations of the predictor variables (excluding college attended as an undergraduate and undergraduate major) with the three success criteria. Table I contains these correlations, as well as the multiple correlation of the LSAT and the UGPA with each of the three success criteria.

Those correlations that were significantly greater than zero are marked with an asterisk. Note that the correlations of LSAT scores with all three success criteria were higher than the correlations of the other single predictor variables with the same criteria and that the correlation of the Prognostic Index which

TABLE I

Correlation Coefficients of Predictor Variables with Three Law School Success Criteria

	Success Criteria		
Predictors	First Year Law Average	Third Year Law Average	Passing the Bar
3rd year Undergrad Average	.15** (N=287)	.16** (N=197)	.14* (N=143)
4th year Undergrad Average	.18 (N= 72)	.26* (N= 50)	.14 (N= 46)
Undergrad English Average	.11* (N=278)	.13* (N=189)	-.01 (N=139)
Total Undergrad Grade Point Avg.	.22*** (N=339)	.18** (N=197)	.11 (N=143)
Law School Admission Test	.48*** (N=341)	.47*** (N=196)	.32*** (N=143)
Prognostic Index	.53*** (N=334)	.51*** (N=194)	.34*** (N=141)
Multiple Correlation of LSAT and UGPA	.54 (N=337)	.51 (N=194)	.35 (N=141)

* $p < .05$
** $p < .01$
*** $p < .001$

combines the LSAT and the UGPA is only slightly higher. Regression equations using several combinations of predictor variables were computed. The undergraduate major was found to have no value as a predictor and the college attended as an undergraduate was found to be so confounded with LSAT scores as to have no value. Of the four undergraduate grade point averages, the total UGPA was available for more students and was as good as the other three in terms of prediction. The best prediction equation combined the LSAT scores with the undergraduate grade point average. However, the multiple correlations of the UGPA and LSAT with the success criteria were only marginally larger than the simple correlations of the success criteria with the LSAT scores and the correlation of the Prognostic Index with the success criteria (See Table I).

Since the LSAT score was found to be the best single predictor, this variable was examined further. The criterion used in this more detailed analysis was passing the bar since improvement in the percent of graduates passing the bar was the primary concern of the Law School. It was found that the LSAT did not predict equally well over the entire range of LSAT scores. For example, while the correlation of LSAT scores with passing the bar is .32 for the entire range of scores, it drops to .14 if an LSAT cutoff of 350 is used, to .07 if an LSAT cutoff of 375 is established and to -.01 if an LSAT cutoff score of 400 is used. Since the regression equation combining LSAT and UGPA is highly dependent on the predictive power of the LSAT, the multiple correlation of UGPA and LSAT with passing the bar also drops from .35 to .14, .08 and .02 for LSAT cutoff points of 350, 375 and 400 respectively. Since the use of a cutoff on one variable restricts the range of that variable, it might be expected that the correlation would be somewhat reduced. Correcting these reduced correlations for the restriction in range (Guilford, 1965) resulted in corrected correlations of .19 ($p < .01$), .10 ($p > .05$), and -.01 ($p > .05$) for LSAT cutoffs of 350. 375, and 400 respectively. These corrected correlations still reflect a sub-

stantial reduction from the .35 correlation over the entire range of LSAT scores. Note that the correlations between LSAT scores and passing the bar decrease to nonsignificance as the cutoff level of the LSAT is raised. This phenomenon is also illustrated in Table II which gives the percent of students who passed the bar at various cutoff points. Notice that for those students with very low LSAT scores, the LSAT score is related to percent passing the bar. For example, for those with LSAT scores below 300, only 23% passed the bar; 300-350, 27% passed; 350-400, 48% passed; and 400-450 75% passed. Also notice that for those students with LSAT scores higher than 400, the specific LSAT scores were no longer related to passing the bar. Thus 75% of the students with LSAT scores between 400 and 450 passed the bar while 65% of the students with LSAT scores between 500 and 550 passed. Carlson (1976) in a nationwide study of law students also found a large break between students with LSAT scores below 400 who passed the bar (about 36%), and students with LSAT scores of 400-500 who passed the bar (about 65%).

Given our two-sided problem, the implications of this finding were encouraging. If the LSAT scores were used to establish a cutoff (rather than as a variable in a regression equation) yielding a pool of qualified applicants, many black candidates who might otherwise have been eliminated would be included.

Using a cutoff score of 400 would thus simplify the admission process while providing a pool of potential students of whom a high proportion (70% based on the 1972 and 1973 classes) would be expected to pass the bar. Even with a cut-off of 350, 64% would be expected to pass the bar and based on 1972-1974 admissions about 40% of the students admitted would be black. (Over 60 percent of the students admitted during this period were black.) More extensive recruiting of black applicants would be necessary to maintain this percentage with higher cutoff levels.

TABLE II
Number and Percent of Students with Different LSAT Scores and Percent Passing the Bar Exam

LSAT Score	All Students	
	N	% Passing
Less than 300	13	23%
300 - 350	26	27%
350 - 400	25	48%
400 - 450	24	75%
450 - 500	13	69%
500 - 550	17	65%
550 - 600	16	69%
600 - 650	5	60%
650 - 700	1	*

* Too few students in this category for the percentage to be meaningful.

However, even if the Law School elected to set a cutoff of 350 or 400 for the LSAT, thus establishing a pool of applicants with a reasonable probability of passing the bar, the problem of selecting those students to be admitted would remain since the pool could be expected to contain many more applicants than could be admitted. The following plans were considered.

1) Once a cutoff for LSAT is selected, the predictive value of variables other than the LSAT becomes important. Table III contains the correlations of the predictor variables with the three indices of success for those students with LSAT scores above 350. Note that none of the variables appear to be particularly useful in predicting passing the bar. Additional multiple regression analyses were computed with no significant improvement in prediction. The college attended as an undergraduate and the undergraduate major were examined again as potential predictors but were found not to be related to the success variables. This result may be due to the lack of many students from the same schools. As the number of students coming from the same undergraduate

TABLE III

Correlations of Predictor Variables with
First and Third Year Law Averages and Passing the Bar
of those Students with LSAT scores above 350

	1ST Yr. Law AVG.	3RD Yr. Law AVG.	Passing the Bar
Third year Undergrad Average	.19 (N=185)	.15 (N=131)	.08 (N=101)
Fourth year Undergrad Average	.16 (N=46)	.11 (N=35)	.22 (N=28)
English Average	.09 (N=180)	.10 (N=127)	.04 (N=99)
Undergrad Grade Point Average	.18 (N=226)	.13 (N=.07)	.01 (N=101)

institution increases, the undergraduate school, as a predictor of success, can be better evaluated.

2) There are other variables which should also be considered as possible predictors. In a pilot study the following variables, which were measured by responses to a questionnaire, were found to be related to success in Law School. Three of the items measure the students' academic motivation in undergraduate school.

a. Did you try harder to get on (and stay on) the Dean's List than the average student in your college class? (1) Definitely not; (2) Usually not; (3) Usually yes; (4) Definitely yes.

b. Did most of your college instructors think of you as one of their hardest workers even though not necessarily one of the brightest? (1) Definitely not; (2) No, by and large; (3) Yes, by and large; (4) Definitely yes.

c. Compared with most of your classmates, how much would you say you studied in college? (1) I studied much less than most of my classmates; (2) I studied slightly less than most of them; (3) I studied slightly more than most of them; (4) I studied much more than most of my classmates.

This is the kind of information that can be obtained from an interview or recommendations. In fact, if a recommendation form is used, an appropriate question concerning academic motivation could be included. Another approach to measuring academic motivation is to compare undergraduate grade point average and SAT scores. Individuals achieving much higher than would be predicted from their SAT scores could be considered as academically motivated.

Another type of item which was also found to be related to Law School success, although not as strongly as academic motivation, was extracurricular activities. The more an individual participates in extracurricular activities at the undergraduate level, the greater his or her chance of success in law school. Specifically, these items included the following.

a. What is your estimate of the total number of hours you have devoted to organized extracurricular activities in an "average" week during your last fulltime undergraduate year? (1) None (2) Less than five; (3) Between five and ten; (4) More than ten.

b. Do you think your fellow students in college thought of you as a person interested in helping the community? (1) Definitely not; (2) Generally not; (3) Generally yes; (4) Definitely yes.

c. How extensively have you been involved in the activities of student government organizations (student legislative body, election commision, etc.)? (1) Not at all; (2) One such organization; (3) Two such organizations; (4) Three or more (or have held one to two highly responsible and time-consuming offices).

Further research investigating these non-cognitive variables may provide useful information.

3) The Law School could set up a lottery choosing the applicants to be admitted through a random process. Barbara Lerner, speaking at the Educational Testing Service Annual Invitational Conference, suggested "beyond screening for basic competence, the best way out is to leave selection to chance" (APA Monitor, 1977 p. 1). She was referring to admission to graduate and professional schools, and not specifically to law school admissions. Speaking specifically of law school admission policies she argued that "high LSAT scores have no meaningful relationship to intellectual merit and may be inversely related to important, non-intellectual traits which are also necessary for competent performance in the law as in other fields". In the absence of measures of these non-intellectual traits, the lottery or random selection form the pool of all applicants is a reasonable procedure.

4) As an alternative to (3), applicants placed in the pool could be admitted based on the date on which the application process was completed.

Though the NCCU Law School has made no final decision regarding the admission process, a cutoff of 375 was used for the 1977 academic year, and through active recruiting the number of black applicants meeting the criterion was maintained at an acceptable level.

Obviously the problem faced by the NCCU Law School with regard to admission of black and other minority candidates is different from that faced by the majority of law schools in this country. However, virtually all are faced with a moral if not legal obligation to increase the number of minority students admitted. Yet, the case of Allan Bakke vs. the Regents of the University of California has made the procedure of establishing quotas for minority students questionable. The California Supreme Court has already ruled the use of quotas illegal and the U. S. Supreme Court may uphold the decision (Watkins, 1977). The impact of this on the number of blacks and other minority students admitted to the nation's law schools would be staggering. A study reported in the New York Times (Goldstein, 1977) indicated that only one in every five of the black students currently enrolled in the law schools would have been admitted if race were not known, using current admission standards. Evans (ETS Developments, 1977) reported that only 10 black students would have been admitted to top law schools in 1975-1976 through the normal admission procedures. The North Carolina Association of Black Lawyers surveyed 43 law schools in the Spring of 1977 and found that out of a total enrollment of 10,639 in 1976-1977, only 80 black students would have been admitted in the absence of special minority admission programs (Broderick, Brief Amicus Curiae for North Carolina Association of Black Lawyers, 1977). Obviously efforts to increase the number of blacks and other minorities in the law profession will be seriously impaired if special programs are eliminated and the admission procedures used at most law schools are not revised. The Carnegie Council on Policy Studies in Higher Education concluded that a two-step procedure for admission to professional schools be required. The steps are:

> First, a minimum level of "admissibility" should be set "through assessment of prior grades and test scores and personal qualifications, at the minimum level at which there is a reasonable chance of success in completing the course work without reduction in academic or professional standards." Minority-group status should not be a consideration at this stage, the council said.

> Then faculty members, considering all the demands of society on the profession and considering the diverse characteristics they want in a student body, should exercise their professional judgment in setting criteria for the final selection process and making selections among the qualified applicants. (Fields, 1977)

With the surplus of applicants, the minimum level for law school admissions can, in most cases, be set high enough to ensure a high percentage of students will pass the bar examination and yet low enough that minority applicants will be in the pool. Standards or procedures for selecting students from the pool can then be established to meet the special needs of a law school.

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